

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20115 of 2019

Arising Out of PS. Case No.-59 Year-2018 Thana- GORIAKOTHI District- Siwan

1. PUSHPA DEVI Wife of Harendra Dubey Resident of Village - Sarari U Tola, P.S.- Goreyakothi, District - Siwan.
2. Harendra Dubey Son of Late Kanhaiya Dubey Resident of Village - Sarari U Tola, P.S.- Goreyakothi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363, 366(A) and 34 IPC registered in connection with Goreyakothi P.S. Case No. 59 of 2018.

3. It is submitted that the petitioners has been falsely implicated merely because they happen to be the parents of Rahul Dubey with whom the victim girl had eloped and there is love affair between them. In her statement recorded under Section 164 Cr. P.C. the victim girl has categorically stated that she had gone with Rahul Dubey voluntarily with an intention to get married. But they were apprehended by the police and handed over to their respective parents. It is therefore, submitted that the ingredients of Section 366A of IPC are not satisfied. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



each with two sureties of like amount each to the satisfaction of learned CJM, Siwan, in connection with Goreyakothi P.S. Case No. 59 of 2018. subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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